

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

SEP 16 2015

ASHLEY LYNDOL JONES,

Petitioner,

v.

FREDRICK HEAD<sup>1</sup>,

Respondent.

CLERK

SO. DIST. OF GA.

CASE NO. CV502-116

O R D E R

Before the Court are Respondent's Motion to Reopen Petitioner's Section 2254 Capital Habeas Case (Doc. 73) and Respondent's Motion for Expedited Hearing on the Motion to Reopen (Doc. 74) to which Petitioner has filed a response (Doc. 76). After careful consideration of the motions and record in this case, the Respondent's Motion to Reopen Petitioner's Section 2254 Capital Habeas Case is **GRANTED**. As a result, Respondent's Motion for Expedited Hearing is **DENIED** as moot.

Also before this Court is Petitioner's Motion for Evidentiary Hearing (Doc. 58) to which Respondent has filed a Response (Doc. 59). At this time, the Court finds it

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<sup>1</sup> Respondent is also encouraged to file a motion to amend the caption to reflect the appropriate parties in this case as the Court understands there is a new warden at the Georgia Diagnostic and Classification Center. (Doc. 73, n. 1.)

necessary to **DENY** the Motion for Evidentiary Hearing. Subsequent to the Petitioner filing his Motion, the Supreme Court issued its opinion in Cullen v. Pinholster, 563 U.S. 170 (2011), providing further direction with respect to this Court's ability to grant Petitioner's request for an evidentiary hearing. Given the potential impact of Pinholster on Petitioner's entitlement to an evidentiary hearing, the Court feels it prudent to permit the parties to file supplemental briefs addressing the significance, if any, of Pinholster on this case. Therefore, this Court **DIRECTS** Petitioner and Respondent to each file a single supplemental brief addressing the question of an evidentiary hearing in light of Pinholster. Both parties are directed to file their briefs within thirty days from the date of this order. After the benefit of supplemental briefing, this Court will reconsider whether Petitioner is entitled to an evidentiary hearing.

SO ORDERED this 15<sup>th</sup> day of September 2015.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA